
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION APPROVING AN EMERGENCY PROPOSAL FROM
ENGEL ELECTRIC CO. FOR THE REPLACEMENT OF ELECTRIC
SERVICE TO THE POLICE DEPARTMENT**

JOHN BEARROWS Mayor
SUE MESSER, City Clerk

TOM MCDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN MCDERMOTT
JOHN GRUBEN
DON BURKE
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125, Chicago, IL 60606

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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the electric service to the Rochelle Police Department has become exposed to water during heavy rainfalls, disrupting an important utility service and posing a threat to the health and safety of City residents; and

WHEREAS, pursuant to Section 2-373 of the Rochelle Municipal Code, contracts for emergency services or repairs are exempt from competitive bidding requirements when the delay in seeking competitive bids would result in damage or additional cost to the City; and

WHEREAS, the City has solicited a proposal from Engel Electric Co. for the repair and replacement of the 800A electric service in an amount not to exceed \$85,665.00; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve the proposal from Engel Electric Co.; and

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Resolution as if fully set forth in this Section One.

SECTION TWO: The Corporate Authorities of the City of Rochelle, pursuant to Section 2-373 of the Rochelle Municipal Code, hereby approves the proposal for repair and replacement of the 800A electric service by Engel Electric Co. in an amount not to exceed \$85,665.00, attached hereto as Exhibit 1, and the Mayor and/or City Manager are hereby authorized to execute all documentation required to memorialize said proposal on behalf of the City, subject to review and revision as to form by the City Attorney.

SECTION THREE: If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Resolution are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Resolution will govern.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form.

SECTION SIX: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 24th day of August, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24th day of August, 2020.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “A RESOLUTION APPROVING AN EMERGENCY PROPOSAL FROM ENGEL ELECTRIC CO. FOR THE REPLACEMENT OF ELECTIC SERVICE TO THE POLICE DEPARTMENT,” which was adopted by the Mayor and City Council of the City of Rochelle on August 24, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of August, 2020.

CITY CLERK